(2)

SINGLE BENCH (4)

1001

**IN THE HIGH COURT OF CHHATTISGARH**
**AT BILASPUR**

**WRIT PETITION No.** 3893 **/2006**

**PETITIONER** : DEVENDRA TIWARI, S/o. SHRI N.P.TIWARI, AGED ABOUT 42 YEARS, LOWER DIVISION TEACHER, SHRI RAM MIDDLE SCHOOL, MAHASAMUND, R/o. IMLIBHATHA, MAHASAMUND, TAHSIL & DISTRICT MAHASAMUND (C.G.)

P.R. No. 3976/06
Presented by Shri Hamid Siddiqui
dated 26/12/06

**VERSUS**

**RESPONDENTS** :1) STATE OF CHHATTISGARH, THROUGH SECRETARY, DEPARTMENT OF SCHOOL EDUCATION, DKS BHAVAN, RAIPUR (C.G.)

RECEIVED COPY
26/12/06
CLERK TO A. G. BILASPUR

:2) COMMISSIONER, DEPARTMENT OF TRIBAL WELFARE, RAIPUR (C.G.)

:3) THE DIRECTOR, PUBLIC INSTRUCTION, RAIPUR (C.G.)

OATH COMMISSIONER
APARNA MALVIYA
CG/2073/96
23/12/06
Chhattisgarh

**WRIT PETITION UNDER ARTICLES 226/227**
**OF THE CONSTITUTION OF INDIA**

XI-HC-22

(42)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

# आदेश पत्रक

मामला क्रमांक ...W.P.No...3893 सन् 2006

..... विरुद्ध .....

| आदेश का दिनांक आदेश क्रमांक सहित | आदेश हस्ताक्षर सहित | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
|---|---|---|
| | 7-8-2006<br>Mrs. Hamida Siddique, counsel for the petitioner.<br>Mr. Satish Gupta, Deputy Govt. Advocate for the State/respondents, on advance copy.<br>Heard.<br>By the instant writ petition under Article 226/227 of the Constitution of India, the petitioner seeks a direction to the respondents to pay the increments and seniority on the basis of the date of his initial appointment in the light of the decision rendered by the State Administrative Tribunal, Jabalpur in O.A.No.1452/98 (Harish Chandra Singh & others vs. State of M.P. & others) dated 31-1-2000.<br>The case of the petitioner is that he was appointed as Lower Division Teacher in the School Education Department on probation for a period of one year with fixed salary. However, later on, after completion of one year tenure the petitioner was regularized, but he is not being given the regular pay scale. Other similarly situated teachers moved the State Administrative Tribunal, Jabalpur for regular pay scale, wherein learned Tribunal vide order dated 31-1-2000 allowed the same. The petitioner made several representations to accord same treatment as he is also similarly situated Assistant Teacher, but the respondents have not paid any heed, therefore, he is forced to file this writ petition.<br>Learned counsel for the petitioner submits that the petitioner may be allowed to make a representation to respondent No.1 to give similar treatment to the petitioner and the same pay scale which has been | |

(पीछे देखिये)

(43)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

**आदेश पत्रक**

**मामला क्रमांक** W.P. No. 3893 **सन्** 2006

..... **विरुद्ध** .....

| आदेश का दिनांक आदेश क्रमांक सहित | आदेश हस्ताक्षर सहित –2– | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
|---|---|---|

sanctioned to other similarly situated teachers on account of the order of the State Administrative Tribunal dated 31-1-2000 to which learned counsel appearing for the State/respondents has no objection.

Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, the prayer made by learned counsel for the petitioner appears to be just, fair and reasonable. Therefore, the petitioner is allowed to make a detailed representation raising all his grievances to respondent No.1 within ten days from today and in turn, respondent No.1 shall decide the same within 30 days from the date of its receipt, considering all the grievances raised by the petitioner and taking into account the order dated 31st January, 2000, passed by the learned State Administrative Tribunal, Jabalpur in O.A.No.1452/98. If the petitioner stands on the same footing as the petitioners in O.A.No.1452/98, then he also be sanctioned the same pay scale and seniority.

With the directions aforesaid, the writ petition stands disposed of.

Consequently, I.A.No.7429/2006 also stands disposed of.

Parties are entitled for certified copy of this order.

**Sd/-**
**L.C. Bhadoo**
**Judge**

Soma

(पीछे देखिये)

11-8-06